

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

INDUSTRIAL TECHNOLOGY RESEARCH
INSTITUTE,

Plaintiff,

LG CORPORATION, LG ELECTRONICS,
INC., AND LG ELECTRONICS U.S.A., INC.

Defendants.

Civil Action No. 2:12-CV-00949

**JOINT DISCOVERY PLAN AND
[PROPOSED] SCHEDULING ORDER**

Document Electronically Filed

Plaintiff Industrial Technology Research Institute (“ITRI”) and Defendants LG Corp., LG Electronics, Inc., and LG Electronics U.S.A., Inc. (collectively “LG”), by and through their attorneys, hereby submit this Joint Discovery Plan and Proposed Scheduling Order pursuant to a telephone conference with the Court on March 5, 2012. The parties have met and conferred on all the matters set forth herein.

This matter was transferred to the District of New Jersey from the Eastern District of Texas (Tyler Division) on February 14, 2012.

Discovery To Date:

1. At the time of transfer, the parties had not exchanged their initial disclosures pursuant to Fed. R. Civ. P. 26. The parties had exchanged patent infringement contentions and invalidity contentions, and produced documents, pursuant to the Patent Local Rules 3.1 – 3.4 of the Eastern District of Texas. However, the Local Patent Rules 3.1 – 3.4 of this Court require certain additional disclosures not required under the corresponding Rules in the Eastern District of Texas.

Anticipated Discovery Requirements and Requested Limitations on Discovery

2. The parties are engaged in discussions regarding a Consent Discovery Confidentiality Order and will submit a Proposed Consent Discovery Confidentiality Order for the Court's consideration in accordance with the Proposed Schedule or as may otherwise be directed by the Court.
3. Interrogatories. Each side may serve up to 40 interrogatories on the other side. (i.e., the Plaintiff is entitled to 40 interrogatories and the Defendants, collectively, will be entitled to 40 interrogatories).
4. Requests for Admissions. Plaintiff may serve up to 25 requests for admissions to all Defendants collectively. Defendants may collectively serve up to 25 requests for admissions on Plaintiff. There is no limit on requests for admissions related to the admissibility of documents, which should be filed separately from any substantive requests.
5. Requests for Production. The parties may serve unlimited Requests for Production of Documents pursuant to FRCP 34.
6. Non-Expert Witness Depositions. Plaintiff may take up to 100 hours of deposition testimony (excluding expert and third-party depositions). Defendants collectively may take up to 100 hours of deposition testimony (excluding expert and third-party depositions). Only half the time of depositions requiring the use of a translator will only count towards either party's total hours.
7. Third-Party Depositions. The limitations in the Federal Rules of Civil Procedure with respect to the length of depositions of third parties will apply.
8. Document Subpoenas and Deposition on Written Questions. The parties may serve as many documents subpoenas and depositions on written questions on third parties, as needed.

9. Expert Depositions. Each party may take up to 10 hours of deposition testimony of each expert per topic, per patent family and/or per report.

10. Electronic Discovery. The parties are discussing a potential Proposed Consent Discovery Order covering various issues relating to discovery, including electronic discovery and document production, privileged materials, and other discovery limitations. The parties will submit a Proposed Consent Discovery Order for the Court's consideration in accordance with the Proposed Schedule or as may otherwise be directed by the Court.

11. Format of Claim Construction Hearing. The parties will submit a joint proposed format for the Claim Construction Hearing pursuant to the agreed Case Schedule set forth below.

DUE DATE	ACTION
04/18/2012	Service of Initial Disclosures
04/25/2012	Plaintiff to Comply with L. Pat. R. 3.1(d), (h) and L. Pat. R. 3.2(d), (e), (f)
04/18/2012	Submission of Proposed Consent Discovery Confidentiality Order and Proposed Consent Discovery Order
06/11/2012 45 days from L. Pat. R. 3-1	Defendants to Comply with L. Pat. R. 3.2A
06/25/2012 14 days from L. Pat. R. 3-4	Plaintiff to Comply with L. Pat. R. 3.4A
07/09/2012 14 days from L. Pat. R. 3.4A	Comply with L. Pat. R. 4.1(a) - Exchange Proposed Terms and Claim Elements for Construction.
07/23/2012	First mediation to be completed. Mediation shall be conducted in accordance with the Court-Annexed Mediation Plan. <i>See</i> Appendix H to Local Rules, available on the Court's website at www.uscourts.gov .

DUE DATE	ACTION
07/30/2012 21 days from L. Pat. R. 4.1(a)	Comply with L. Pat. R. 4.2(a)-(b) - Exchange of Preliminary Claim Constructions
08/13/2012 14 days from L. Pat. R. 4.2(a)	Comply with L. Pat. R. 4.2 (c) – Exchange of Identification of Intrinsic and Extrinsic Evidence
08/29/2012 30 days from L. Pat. R. 4.2(a)	Comply with L. Pat. R. 4-3 (a)-(f) - Filing of Joint Claim Construction and Prehearing Statement.
09/14/2012	Proposed Technical Advisors due if one has not already been appointed. Parties to provide name, address, phone number, and curriculum vitae for up to three agreed technical advisors and information regarding the nominees' availability for <i>Markman</i> hearing or a statement that they could not reach an agreement as to any potential technical advisor. If the parties cannot agree on a technical advisor, they shall not submit any proposed technical advisors to the Court. If the parties feel a technical advisor is unnecessary, they shall alert the Court at this time.
09/28/2012 30 days from L. Pat. R. 4.3	Comply with L. Pat. R. 4.4 – Close of Discovery on Claim Construction Issues.
10/08/2012	Deadline for parties, if they desire, to request leave to provide Court with tutorials concerning technology involved in patent. If leave is granted, the tutorials will be due at a later date.
10/15/2012 45 days from L. Pat. R. 4.3	Comply with L. PAT. R. 4.5(a) - The party claiming patent infringement shall serve and file an opening <i>Markman</i> brief any evidence supporting its claim construction.
11/14/2012 30 days from L. Pat. R. 4.5(a)	Comply with L. Pat. R. 4.5(b) - Close of <i>Markman</i> Expert Discovery

DUE DATE	ACTION
12/14/2012 60 days from L. Pat. R. 4.5(a)	Comply with L. PAT. R. 4.5(c) - Responsive <i>Markman</i> brief and supporting evidence due
12/28/2012 14 days from L. Pat. R. 4.5(c)	Comply with L. PAT. R. 4-6 –Proposed <i>Markman</i> Hearing Schedule and format of the Claim Construction Hearing
30 days after <i>Markman</i> Order	Comply with L. Pat R. 3.8(a)-(c) Advice of Counsel Disclosures and Document Production
60 days after the <i>Markman</i> Order	Close of fact discovery
90 days after the <i>Markman</i> Order	Parties with burden of proof designate expert witnesses (non-construction issues). Expert witness reports due.
150 days after the <i>Markman</i> Order	Parties designate rebuttal expert witnesses (non-construction issues), Rebuttal expert witness reports due.
210 days after the <i>Markman</i> Order	Discovery Closed.

Dated: April 2, 2012

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